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DEPARTMENT FOR CA/OCS/CI

E.O. 12958: N/A
TAGS: [CASC](#) [KOCI](#) [AL](#)
SUBJECT: HAGUE ABDUCTION ACCESS - ALBANIA

REF: STATE 117550

1. Albania has acceded to the 1980 Convention on the Civil Aspects of Child Abduction and the Convention entered into force in Albania on August 1, 2007.

Central Authority

2. Albania has designated the Ministry of Justice as the Central Authority pursuant to the Convention.

Compatibility of Legal System

3. The Albanian legal system is not currently compatible with implementation of the Convention. The local courts and the Albanian judicial system do not have any legal mechanisms to effectively handle child abduction cases because they currently lack any enforcement mechanisms for child custody orders in general. Furthermore, widespread corruption in the Albanian judiciary and the lack of enforcement of judicial decisions have resulted in these cases. Recent studies of Albania's courts have identified these areas, but do not indicate that the judiciary throughout the country can handle child abduction cases at this time.

4. Concerned by the American Bar Association and Eurasian Law Initiative, the Albanian legal system's concerns included corruption, limited nature of courts' subpoena, contempt and enforcement powers, and limited judicial resources. More recently, Transparency International found that Albania is regarded as one of the most corrupt countries in the world in terms of petty bribery and a large portion of Albanian citizens consider their legal system, judiciary, and police to be corrupt. While Albania continues to work to improve its legal system, much work remains.

Implementing Legislation

5. The Ministry of Justice announced that no implementing legislation or regulations are required to fully implement the Convention into Albanian domestic law. Article 122 of the Albanian Constitution further provides that the Hague Abduction Convention is self-executing: "Any ratified international agreement constitutes part of the integral system of the internal legal system after it is published in the Official Journal of the Republic of Albania." The Convention does not appear to be at odds with any provision of the Family/Civil Code, but even if any discrepancy were found, the Constitution provides that the Convention would trump domestic law: "Any international agreement ratified by law has priority, in case of conflict, over the law of the country when the direct application of the norms issued by the organization is expressly contemplated in the agreement ratified by the Republic of Albania for participation therein."

Enforcement Measures

6. The Bailiff's Office in Albania has no available mechanisms to enforce child custody orders. A recent legal report prepared to assess the compatibility of Albanian law with the Convention of the Rights of the Child recommended that such measures be enacted, but currently no such mechanisms exist.

WITHERS